MODIFY THE DRAFT EIS/EIR TO FULLY DESCRIBE MITIGATION MEASURES TO OFFSET IMPACTS TO AGRICULTURE ASSOCIATED WITH THE CALFED PROGRAM

July 17, 1998

~~Issue Paper: Agricultural Impacts - Mitigation~~

~~**Issue Statement:**~~

Statement of Issue

Should CALFED provide mitigation for significant impacts to elements of the existing environment related to agriculture, the conversion of farmland to non-farming uses, and reallocation of water from agriculture to other purposes?

~~**Action:** CALFED should develop explicit policy as to its role and responsibility to mitigate for significant environmental impacts to agriculture caused by CALFED actions.~~

Background:

The CALFED Bay-Delta Program is the most ambitious and comprehensive undertaking of its kind in the United States. It embodies several program components when integrated together form a strategy to ensure a healthy ecosystem, reliable water supplies, good water quality, and stable levees in California's Bay-Delta. These components include an Ecosystem Restoration Program, a Water Use Efficiency Program, a Water Quality Program, a Levee System Integrity Program, a Watershed Management Program, a Water Transfers Policy, a Storage and Conveyance component, and an Assurances and Financing Package.

When taken as a whole the CALFED Bay-Delta Program will meet the above-stated objectives while adhering to a set of six Solution Principles. According to these principles the solution must: 1) reduce conflicts among beneficial uses of water; 2) be equitable; 3) be affordable; 4) be durable; 5) be implementable; and 6) have no significant redirected impacts.

It has been acknowledged that many CALFED actions will result in significant impacts to elements of the existing environment related to agriculture, primarily the conversion of land and reallocation of water for other purposes.

The draft Programmatic EIS/EIR has identified the existing environment

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including the extent of important farmlands and water resources in the CALFED Solution Area, and significant impacts to agricultural resources that could result from CALFED actions.

While the CALFED Program may have the potential to offer many benefits to agriculture, it is apparent that each CALFED program element could result in significant impacts to the California agricultural resource base, particularly agricultural land, agricultural water supply, and agricultural water quality. These changes to the existing environment may have associated socio-economic consequences to local communities, local jurisdictions, and local economies. The key benefits from the currently proposed CALFED Program that the agricultural community wants is improved water supply reliability and protection of water and property rights. Appropriate mitigation measures made an integral part of the CALFED Program could provide these benefits and assurances to agriculture.

Concerns. We have identified seven concerns regarding the issue of providing mitigation for impacts associated with converting farmlands to non-farming habitat and reallocating water to other purposes.

1. Violation of CALFED's Solution Principles: Failing to include mitigation measures to reduce impacts to less-than-significant levels implies a failure to abide by the solution principle to have no significant redirected impacts. The implication is that filing a Statement of Overriding Consideration represents a violation of this principle.

2. Providing mitigation for impacts to agriculture to the extent proposed is inappropriate and not required by CEQA in this case: Some ~~Others~~ believe that agricultural activities such as land conversion and water diversions, over the past 150 years, are in large measure the cause of fish and wildlife degradation in the Delta and beyond. Thus, it is appropriate that a significant reallocation of land and water from agriculture to fish and wildlife purposes is not only needed to restore ecological health, but is also warranted on a public policy basis. It then follows that there is no need to mitigate agricultural impacts resulting from land and water reallocated to the extent proposed for what some perceive as a less intensive use of land and water resources.

3. Including mitigation to reduce impacts to agriculture to less-than-significant levels will be cost prohibitive and could result in conversion of other native habitat to agriculture: ~~Furthermore,~~ If agricultural resource mitigation was incorporated as part of the CALFED Program, it would make land and water acquisition for fish and wildlife purposes, to the extent presumed to be required, too expensive. Initial mitigation ideas may have lead some to believe that there is no potential resolution to this conflict. Efforts to explore options with agricultural

stakeholders may result in identifying options that collectively meet the needs of the Program and California agriculture.

4. Failure to include mitigation for impacts to agricultural resources will result in the CALFED Program being in conflict with State and Federal policies and laws: There is extensive State policy to protect agricultural resources. One of the major principles of the state's agricultural policy shall be to sustain the long-term productivity of the state's farms by conserving and protecting the soil, water, and air which are agriculture's basic resources. In promoting and protecting the agricultural industry, the Legislature will review actions for their effects on 13 factors, including productive agricultural land, and agricultural water supplies. (Thurman Agricultural Policy Act; FAC Sec. 821, 822). Lands suitable for agricultural use shall not be converted to nonagricultural uses unless continued agricultural use is not feasible or such conversion would preserve prime agricultural land. (PRC Sec. 30242)

The goal of the California Wetlands Conservation Policy is to achieve a long term increase in wetlands acreage, functions and values in California. Steps taken to achieve this goal shall emphasize maintaining economic use (e.g., agriculture) of restored and enhanced lands and be achieved through the voluntary participation of landowners. (Executive Order W-59-93)

There is also extensive Federal policy that supports the protection of agricultural lands. The Federal Farmland Protection Policy Act of 1981 (FPPA) provided for the development and use of the LESA model to assess the impacts of Federal projects on agricultural land. The final assessment methodology was approved in June, 1994.

Appendix G of the CEQA Guidelines lists significant effects. Item (y) of the list is to convert prime agricultural land to non-agricultural use or impair the agricultural productivity of prime agricultural land.

5. Including mitigation for impacts associated with redirecting water supplies from agriculture to non-agricultural uses sets a precedent that any change in water resource uses needs to be mitigated: As the State Board reallocates water supplies in the future mitigation may be expected.

6. Statements that mitigation is needed for impacts to agriculture fail to take into account the many substantial benefits that will be provided to agriculture on a state-wide basis: While the CALFED Program may have the potential to impact agriculture on a local basis the Program offers many benefits to agriculture on a state-wide basis. The Program will assist agriculture by improving the reliability of water supplies, improving the water quality of those supplies, providing funds

to improve water use efficiency and thus improve on-farm economics, providing funds to help screen diversions, assisting with reducing farm associated toxics, reducing subsidence, increasing levee stability, providing buffers to protect farm lands from adjacent, incompatible land uses, acquiring agricultural preserves as buffers for habitat, increasing revenue to ensure sustainable agriculture by managing using wildlife friendly agricultural techniques, and other mechanisms either designed specifically to improve agriculture or whose implementation act to provide benefits to California agriculture indirectly.

7. This issue may unnecessarily foster opposition to the Program related to the desire of farmers to obtain benefits such as protection of water and property rights. The CALFED Program is not expected to represent a threat to existing water and property rights. The Program intends to work with landowners and their representatives such as Resource Conservation Districts and the local Farm Bureaus to ensure that implementation of the ERPP, for instance, is done on a willing seller basis with their involvement beginning in the early implementation planning stages.

Options for Resolving Issue

Option 1: ~~CALFED can~~ **Adopt a policy that recognizes that agriculture is a part of the environment and that impacts due to CALFED actions should be avoided, reduced, mitigated to the greatest extent practicable or fully mitigated.***

Pros

- Ensures the CALFED Program is consistent with the existing State and Federal policies and laws.
- Improves stakeholder support from the agricultural community for the CALFED Program.
- Helps support existing levels of agriculture to ensure sustainable food supplies for a growing population.

Cons

- Excessive costs
- May hinder implementation of the ERPP due to landowner opposition and lack of willing sellers
- If a conveyance alternative is selected that does not significantly reduce salt

loading of agricultural lands in the San Joaquin Valley, salt management problems may be exacerbated.

Option 2: ~~CALFED can~~ **Adopt a policy that it is in the best interest of fish and wildlife and the people of California that agricultural resources be converted to habitat and that there is no need or it is not feasible to mitigate impacts to agriculture (Statement of Overriding Consideration).**

Pros

- Avoids the need to do a significant impact analysis that is currently not found in the programmatic EIS/EIR and could not be completed in time to keep the program on schedule for release of a final document.

Cons

Option 3: **Adopt a policy that recognizes that significant impacts to agriculture cannot be mitigated to less-than-significant levels but include substantial new mitigation in the revised DEIS/EIR.* Include mitigation for redirecting water supplies from agricultural uses.**

Pros

- Avoids the need to do a significant impact analysis that is currently not found in the programmatic EIS/EIR and could not be completed in time to keep the program on schedule for release of a final document.

Cons

- Risks alienating the agricultural stakeholders

Option 4: **Adopt a policy that recognizes that significant impacts to agriculture cannot be mitigated to less-than-significant levels but include substantial new mitigation in the revised DEIS/EIR.* Exclude mitigation for redirecting water supplies from agricultural uses.**

Pros

- Meets the requirements of CEQA

- May foster some agricultural stakeholder support

Cons

- Risks alienating the agricultural stakeholders
- Costs likely to remain significant
- Will require significant staff effort to work with agricultural stakeholders and CDFA to make the needed changes to revise the Draft EIS/EIR

Option 5: **In combination with Option 4, select a Delta conveyance alternative that minimizes the import of ocean derived salts to the San Joaquin Valley and the import of recirculated salts from agricultural drainage in the Delta and the San Joaquin Valley.**

Pros

- Meets the requirements of CEQA
- May foster some agricultural stakeholder support
- Likely to provide the most durable solution to the conflicts with agriculture

Cons

- Risks alienating some agricultural stakeholders
- Costs likely to remain significant
- Will require significant staff effort to work with agricultural stakeholders and CDFA to make the needed changes to revise the Draft EIS/EIR

~~**Options:**~~

~~1.~~

~~2.~~

*CALFED can restructure the ERPP and other programs to take a "bottom-up" rather than "top-down" approach that directly involves local land owners through Resource Conservation Districts, Reclamation Districts, water districts, watershed groups, Farm Bureaus, etc. to develop local projects to implement CALFED common programs. This approach could greatly improve "buy-in" and reduce mitigation requirements.

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